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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,521	10/11/2001	Bata Mataja	47239/GSL/B774	9362

23363 7590 02/09/2005

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EXAMINER

PAPE, JOSEPH

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/975,521

**Applicant(s)**

MATAJA ET AL.

**Examiner**

Joseph D. Pape

**Art Unit**

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 13-29 is/are pending in the application.
- 4a) Of the above claim(s) 6-8, 16-18, 23 and 26-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 9, 24, 25 and 29 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 10, 13-15 and 19-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 6-8, 16-18, 23, and 26-28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the interviews of 7/8/03 (regarding claims 6-8 16-18 and 23) and 10/6/04 (regarding claims 26-28).

### *Specification*

2. The disclosure is objected to because of the following informalities:

On page 5, line 20 it is thought that the term "assemble" should be deleted.

On page 7, line 23, it is thought that "a" should be deleted.

On page 14 line 15, it is thought that "comprises" should be changed to  
--comprise--.

Appropriate correction is required.

### *Claim Objections*

3. Claims 1-5, 9-10, 13-15, 19-22, 24-25 and 29 are objected to because of the following informalities:

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In claim 1, it is thought that –at least one—should be added at the end of lines 6 and 7 for greater clarity.

Claims 1, 13, 24, and 29 recite “a toy vehicle” in the preamble and then go on to recite features of “a plurality of stylistically different interchangeable vehicle body modules”. Since only a single module can be used to form “a toy vehicle”, it is thought that the preamble of each of these claims needs to be changed to set forth that a kit is being recited so as to encompass the body modules that are not used to form “a toy vehicle” yet are recited features of the invention.

Claims 5, 15, 25 and 29 recite that a user is seated on the chassis when providing foot power, however with a body module in place on the chassis it appears that the user would be seated on the body module and not the chassis.

In claim 13, lines 7, 1, 16, and 21, it is thought that –of said plurality of attachment sites—should be added after “site” for greater clarity.

In claims 24 and 29, it is thought that –at least one—should be added at the end of line 6 for greater clarity.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 5, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurita et al.

Kurita et al. disclose a toy vehicle kit including a chassis 1 with attachment locations 4 to form a press fit coupling type attachment to one of a plurality of stylistically different interchangeable vehicle body modules 33a-33d. The resulting toy vehicle is of a size which is capable of having a user sit on the toy vehicle and propel the vehicle by foot power.

6. Claims 1, 2, 5, 9, 24, 25, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Wright et al.

Wright et al. disclose a toy vehicle including a chassis 20, 21 with attachment locations comprising squares 24 and apertures 25. Wright et al. also discloses a plurality of stylistically different interchangeable vehicle body modules with each module including a front and a rear body module. See the marked up copy of Figure 1 with the modules labeled. The means for forming a press fit coupling are formed by the outer edges of squares 24 and apertures 25 on chassis 20, 21 and open bottom portions of elements 50, 33, and 60 by the pins 52 on the body modules that respectively press fit together. The resulting toy vehicle is of a size which is capable of having a user sit on the toy vehicle and propel the vehicle by

foot power. Re claim 9, the toy vehicle also includes accessories 62, 57, and 61 removably secured to the vehicle.

***Allowable Subject Matter***

7. Claims 13-15 and 19-22 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

8. Claims 3-4, and 10 would be allowable if rewritten to overcome the objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

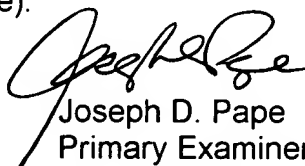
9. Applicant's arguments with respect to claims 1, 2, and 9 have been considered but are moot in view of the new ground(s) of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Pape whose telephone number is (703) 308-3426. The examiner can normally be reached on Tues.-Fri. (6:00-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Joseph D. Pape  
Primary Examiner  
Art Unit 3612  
1/28/05

Jdp

January 28, 2005

Dec. 21, 1965

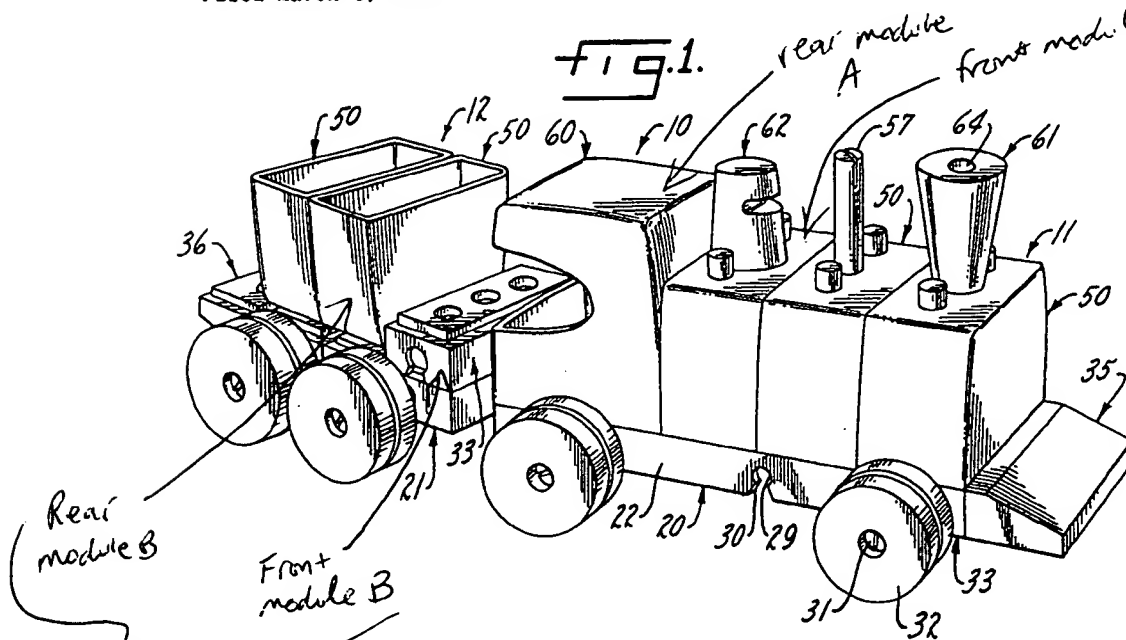
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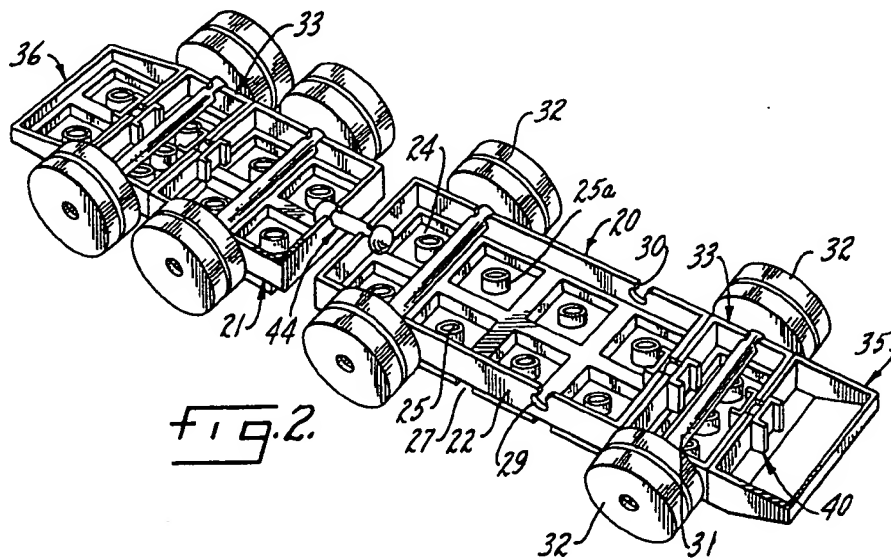
Filed March 4, 1963

2 Sheets-Sheet 1

Body  
module  
A



Body  
module  
B



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